

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**STUART TARMY AND OTHERS
SIMILARLY SITUATED,**

Plaintiffs,

v.

**CHARLES RIVER SYSTEMS, INC. d/b/a)
CHARLES RIVER DEVELOPMENT**

Defendant.

Civil Action No. 04-10992-GAO

JOINT MOTION TO EXTEND PRETRIAL SCHEDULE DEADLINES

In accordance with Rule 16 of the Federal Rules of Civil Procedure, defendant Charles River Systems, Inc. d/b/a Charles River Development, Inc. (“CRD”) and plaintiff Stuart Tarmy (“Plaintiff”), hereby request that the Court amend the Scheduling Order to extend the time to complete discovery and extend other subsequent deadlines. The grounds in support of this motion are as follows:

1. The parties have worked to commence discovery in this action. The parties are in the process of exchanging initial disclosures as required by Fed. R. Civ. P. 26(a), and Plaintiff has served interrogatories and document requests. CRD has prepared discovery requests and the notice of Plaintiff’s deposition. The parties have not requested any other extensions of the discovery deadline in this matter and due to scheduling problems, discovery is not anticipated to be completed by May 30, 2005. The extensions sought for each deadline are for ninety (90) days or less.

2. The parties have begun to explore the potential for mediation as a means of resolving this matter. In the course of exploring this option, the parties mutually agree that an extension of discovery would be appropriate and desirable.

3. The additional requested time will not prejudice any party to this case or any third party. This joint motion is filed not for the purposes of delay, but to afford the parties an opportunity to explore ways of resolving the case and, to the extent this proves unsuccessful, to adequately conduct thorough and complete discovery.

4. The parties do not anticipate needing an additional extension of time.

5. The parties anticipate that discovery may be conducted along the following revised schedule:

<u>Deadline</u>	<u>Event</u>
May 30, 2005	Complete automatic discovery consistent with Fed. R. Civ. P. 26(a)(1) and Local Rule 26.2(A)
June 15, 2005	File amendments to pleadings (including amendments to add parties), third-party actions, cross-claims and counterclaims.
July 15, 2005	Service of requests for admissions
August 5, 2005	Service of all responses to requests for admissions; Service of all expert disclosures, if any, pursuant to Fed. R. Civ. P. 26(a)(2).
August 15, 2005	Service of any responses and objections to expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2)
August 31, 2005	Completion of all discovery, except for such discovery not reasonably anticipated by the parties.
November 30, 2005	Service of dispositive motions under Rule 56, together with supporting documents.
December 23, 2005	Service of opposition to dispositive motions, together with supporting documents.
January 15, 2005	Service of replies to oppositions of dispositive motions.
To be determined	A pretrial conference, if necessary following decision on dispositive motions, with all dates following such pretrial conference, including expert disclosure and discovery, to be scheduled at the Court's discretion

Respectfully submitted,

Stuart Tarmy,

Charles River Systems, Inc. d/b/a
Charles River Development, Inc..

By his attorney,

By its attorneys,

/s/ Ara J. Balikian

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Dated: May 9, 2005

CERTIFICATE OF SERVICE

I, Laura E. Schneider, hereby certify that on May 9, 2005, I caused a copy of the foregoing document to be served, by electronic mail, upon counsel for the plaintiff.

/s/ Laura E. Schneider